

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

MANZOOR JAGHOORI,

Petitioner,

v.

CASE NO. 21-3229-SAC

DON LANGFORD,

Respondent.

MEMORANDUM AND ORDER

On October 27, 2021, the Court issued an order denying Petitioner's motion for leave to proceed in forma pauperis and directing Petitioner to pay the statutory filing fee of \$5.00 on or before November 29, 2021. (Doc. 8.) In the same order, the Court directed Respondent to show cause why the writ of habeas corpus Petitioner requested should not be granted. *Id.* Respondent later requested and the Court granted an extension of time to file the answer. (Docs. 9 and 10.) However, the deadline for Petitioner to pay the statutory filing fee has passed and Petitioner has not done so.

Under Federal Rule of Civil Procedure 41(b), a district court may dismiss an action "if the plaintiff fails to prosecute or to comply with these rules or a court order." Fed. R. Civ. P. 41(b); *See also Olsen v. Mapes*, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003) (noting that Rule 41(b) "has long been interpreted to permit courts to dismiss actions sua sponte for a plaintiff's failure . . . to comply with the . . . court's orders"). Petitioner has failed to comply with the Court's order to pay the \$5.00 statutory filing fee on or before November 29, 2021. Thus, the Court concludes that this matter should be dismissed without prejudice under Rule 41(b). Because this matter will be dismissed under Rule 41(b), Respondent is no longer required to file the answer and return currently due on or before January 26, 2022. (See Doc. 10.)

IT IS THEREFORE ORDERED that this matter is **dismissed without prejudice** for failure to comply with a court order pursuant to Fed. R. Civ. P. 41(b). Respondent is no longer required to file the answer and return currently due on or before January 26, 2022.

IT IS SO ORDERED.

DATED: This 14th day of December, 2021, at Topeka, Kansas.

S/ Sam A. Crow

SAM A. CROW

U.S. Senior District Judge